

Board of Selectmen Meeting
Tuesday, November 3, 2015

A meeting of the Rockport Board of Selectmen was held at 7pm on Tuesday, November 3, 2015 in Conference Room A in Town Hall with four selectpersons, the Town Administrator, and the Asst. Town Administrator; Selectperson Wilkinson was not present.

7:00 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Interview of Roger Levine for the Finance Committee: Selectperson Sheedy nominated Roger Levine as a member of the Finance Committee for a three year term to expire on May 1, 2018, seconded by Selectperson Murphy, no vote taken, this will be on next agenda. R. Levine said he retired from Children's Hospital; he's a CPA, moved permanently to Rockport.

Interview for Finance Committee, no vote taken.

Interview of Debra Dellacona for the Zoning Board of Appeals Alternate Membership: Selectperson Lucas nominated Debra Dellacona as an alternate member of the Zoning Board of Appeals for a one year term to expire on June 30, 2016, Selectperson Sheedy seconded, no vote taken, this will be on the next meeting's agenda. D. Dellacona said she wants to become part of Rockport; she lived in Wenham for years and was very involved in the town. Chairperson Battistelli left the table and did not participate in the interview.

Interview for Zoning Board of Appeals, no vote taken.

Interview of Bruce Cohen for the Board of Health: Selectperson Lucas nominated Bruce Cohen as a member of the Board of Health for a three year term to expire on June 30, 2018, Selectperson Murphy seconded, no vote taken. B. Cohen said he has lived in town for 2-1/2 weeks. He has been in public health for his entire professional life. He recently retired.

Interview for Board of Health, no vote taken.

7:25 Discussion Item

Discussion Item:

FTM Change to Saturday: Our FTM is held during the evening in September, Eileen Ford, 25-1/2 King Street, is requesting the meeting be held on a Saturday. She said she enjoys Town Meeting and never misses a Saturday meeting. She said this probably needs to be a by-law change. Linda Berard, 126 Main Street, inquired about the attendance at both town meetings. She wonders if the Saturday meetings attract more residents. It was stated that STM includes the full budget discussion. Town Clerk, Pat Brown, said the difference in attendance is actually about 50 residents, it depends what's on the warrant. She said we have had 350 residents maximum at any one meeting. Chairperson Battistelli said she and the Town Administrator had discussed surveying residents perhaps with Survey Monkey. Selectperson Murphy said we brought this to Town meeting for the ATM, to change it to the evening. Pat Brown said the Board can change it if there is a good reason, it can't be a permanent change without a by-law change. Town Moderator, R. Visnick, said it's important to respect the by-law; emergencies should be the only reason to change the date. Susan Holden, 36 Atlantic Avenue, suggested being less specific and indicating the meeting will be in April but not indicate a specific day. Chairperson Battistelli said the by-law could say the meetings will be held on a certain day unless any of the following conditions occur. The Town Administrator said we have one person on our by-law committee; we need to recruit members because five members are needed. The Asst. Town Administrator recommended revising the section on the new website to add volunteer positions along with recruiting staff positions.

FTM Change to Saturday

T. Arsenian, 95 Granite Street, said appointments to the By-Law Committee are made by the Finance Committee Chair, the Selectboard Chair, and the Town Moderator; the three nominate

candidates. He said it's important who sits on the committee; the public needs to see and hear from the candidates.

Approval of
10/20/15
Minutes,
Motion
Approved

Approval of Minutes of October 20, 2015: Selectperson Murphy moved that the Board of Selectmen approve the minutes of October 20, 2015, Selectperson Lucas seconded, Vote: 3-0. Selectperson Lucas recommended an amendment on page 2, regarding the parking ban; she said her comment was we are working towards a possible change to the parking ban.

Selectmen Updates and Liaison Reports:

- Selectperson Murphy said we should start planning the annual holiday party for town employees, volunteers etc. The discussion has been postponed to the next meeting so Selectperson Wilkinson can be here.
- Chairperson Battistelli said she attended the quarterly C. A. Caucus, for state legislators, she said it was very good – many communities are facing the same issues.
- She said the Town of Essex is interested in sharing a clicker system for town meeting votes.
- The MBTA track will be moved, there is no specific plan yet, but it's not a complicated plan; they are prepping the site; much of the work will take place on weekends. They're trying to accomplish this before the ground freezes.
- Trick or treating went very well in Rockport said Selectperson Lucas. Selectperson Murphy spoke about some communities closing some streets so trick or treaters wouldn't have to worry about traffic.

Selectmen
Updates &
Liaison Reports

Public Comment Period: T. Arsenian, 95 Granite Street, said one year ago at FTM \$5,500 was approved for a feasibility study for extending Granite Pier. He has been informed that the study has been presented. He has not seen it and is asking if the Board of Selectmen has seen it. Tom Mikus, 73 Marmion Way, commented on the town's new website, he said he recently attended the training session for his role on the Rights of Way Committee. Chairperson Battistelli thanked T. Mikus for his efforts on submitting a grant application.

Public
Comment
Period

Town Administrator's Report:

- The Town Administrator said while reading through by-laws, she read that the insurance committee (risk of coverages for bldg., equipment, vehicles) is a permanent required committee. There should be three to five members; they should include the Treasurer, Accountant, and 3 to 5 citizens.
- She also observed that it specifies that before the dissolving of Town Meeting town counsel is appointed for the next year.
- Update on C. A. Tool Company, L. Sanders said on 10/29/15 the DEP issued a final decision rejecting the Landing Group's position on the Pigeon Cove Harbor; they can appeal the decision to Superior Court. This supports the town's position that the property does come under Chapter 91 regulations. Chairperson Battistelli said the Landing Group was claiming some rights to the harbor; and this decision says that doesn't exist from the 1830 statute.
- The Town Administrator said her office received an environmental notification form on the Millbrook Meadow restoration and we didn't include it in the Selectmen's packets because it's huge. The office has a copy for anyone who would want to see it.
- The Asst. Town Administrator said he wanted to thank the IT department for their efforts on the new website and the training provided to staff and committee members as well.

Town
Administrator's
Report

7:50 Action List

- Easement Agreement with Leslie Whelan: Selectperson Lucas moved that the Board approve and sign an Access and Utility Easement Agreement with Leslie Whelan of 6

Action List:

Easement
Agreement with
Leslie Whalen,
Motion
Approved

High Street as appurtenant to her property located at 5 Water Tower Road, Selectperson Murphy seconded, Vote: 4-0.

- Permission for a Menorah in Barletta Park: Selectperson Murphy moved that the Board grant permission to Rabbi Friedman to display a menorah in Barletta Park for the holiday season again this year, Selectperson Sheedy seconded, Vote: 4-0. Selectperson Murphy said he is in favor of this.
- HOME Funds Request from Harbor Light: Selectperson Lucas moved that the Board of Selectmen grant permission to Harbor Light Community Partners the use of Rockport's HOME allocated funds through the North Shore Consortium to be used for affordable housing in Rockport, Selectperson Sheedy seconded, Vote: 4-0. Andrew DeFransa, said Harbor Light Community Partners is an affordable housing non-profit. They acquired Pigeon Cove Ledges and the Rockport High School Apartments. He said while constructing the Rockport High School Apartments, 175 individuals have applied for 31 apartments. The Pigeon Cove waiting list is 150 and there are 30 units. The Historic Commission was involved with the windows; they redid the steps and the handicap ramp. There was a back-up generator issue; they went to the Historic Commission for permission due to elevator concerns. Construction will be complete by early December. Another project they are looking at is 5 Granite St., there are environmental challenges, they like the proximity to the train. They are looking at the potential of 17 units, and 6 townhouses in the back, two separate buildings; ultimately, maybe a total of 23 units; it would be a 40(b). Of course, he said this may not happen.
- Pigeon Cove Land Leases: Selectperson Murphy moved that the Board of Selectmen approve and sign Pigeon Cove Land Lease with Toby O'Connell, Charles J. Osmond, Robert Morris III, Robert F. Morris, Jr., Dylan Caldwell, James E. Waddell, Anthony Santo, John A. Ketchopulos, James VanDerpool, Fred C. Hillier, Michael E. Clay and Jeff Tutein, Selectperson Sheedy seconded, Vote: 4-0.
- Alcohol Regulation Revisions after Legislation: Selectperson Sheedy moved that the Board of Selectmen update their Alcohol Regulations revised on October 6, 2015 to reflect the changes as enacted in Chapter 102 of the Acts of 2015 by removing the paragraph entitled "Restaurant Dining Areas – Service of a Meal", and the other sections of the ordinance pertaining to sitting down and/or for the consumption of a meal, Selectperson Murphy seconded, Vote: 3-0. Selectperson Lucas abstained. Chairperson Battistelli said on pg. 4 we would remove the paragraph that says, "no patron shall be served an alcohol beverage until such time as the patron is seated for a meal or at a service bar in a restaurant, then it says "meals shall include" that would be eliminated. Selectperson Sheedy said on page 1, first bullet, where it says deliver them to seated patrons, they don't need to be seated, strike the word "seated".
- Selectmen Liaisons for FY16: postponed to subsequent meeting.

Permission for
Menorah in
Barletta Park
Motion
Approved

HOME Funds
Request from
Harbor Light
Motion
Approved

Pigeon Cove
Land Leases
Motion
Approved

Alcohol
Regulation
Revisions after
Legislation
Motion
Approved

8:15 Discussion Item

Discussion Item:

Winter Parking Ban: Chief Horvath, Officer Tibert, Fire Chief Doyle, Director J. Parisi/DPW, and members of the DPW were present. Selectperson Murphy said he met with public safety officials and spoke about the possibility of eliminating the parking ban and was to report back to the Board of Selectmen. Selectperson Murphy said because he is in favor of reducing the ban or coming up with a plan to help the affected residents doesn't mean he doesn't appreciate all the efforts and the positions of the public safety staff. There were eighty signatures on the petition. Some reasons why we haven't changed or eliminated the ban are:

Winter Parking
Ban

The type of equipment the town owns, during the day they deal with cars on the roads; we need to plow and sand. DPW Director Parisi said there are maybe 10 streets in town that wouldn't allow plowing if there are cars parked on them. He said we would need to purchase smaller trucks and even then the streets are too narrow. We would need the ability to tow vehicles and have a towing company. It would slow the DPW's ability to plow/sand the streets. He would like the parking ban to remain. Chairperson Battistelli said in Salem if 2" of snow is predicted, the parking ban is in effect. The "blue lights" may still be on in the morning and then people can't park downtown for businesses, etc. Director Parisi said we're only asking for 6 hours. Selectperson Lucas said the residents aren't complaining about the ban when snow is predicted, it's when nothing is predicted that they'd like to see a change. D. Greel, DPW, said 3 nights/week they are working on the streets. Selectperson Sheedy inquired if 11/1 is realistic, maybe change the ban to start on 12/1. Selectperson Sheedy said we could try this for the month of December and tell folks it's a trial. One recommendation was allowing parking on just one side of the street. Selectperson Sheedy said she previously lived downtown; she had to move her car to the wharf at night and to the street during the day. She said she thought it was easier because you knew you had to move your car. Another recommendation was perhaps using a section of the Transfer station parking lot, for overnight parking or longer term parking. There are boats and school buses there currently. The Asst. Town Administrator said we're looking at long term solutions for boat storage. It was stated that the available parking is 1/2 of what it was years ago due to buildings being broken down into condos or apartments. Chairperson Battistelli said, in her opinion, nothing is going to change this year. T. Arsenian said we need a parking plan for the town, it has been referred to; several citizens were appointed to look into it. For years now he has asked that the Planning Board look into this. T. Arsenian requested that the Board of Selectmen put in a word to the Planning Board. Selectperson Lucas inquired if there is a half way point, a compromise that we understand that the ban needs to be in place for 95% of the town, but could there be some streets that residents can be left alone. Police Chief said he was pleased when he learned of the parking ban when he came to town. He said last year 150 citations were issued, he said, in his opinion, that number of people not adhering to the rules speaks volumes.

9:15 Selectperson Murphy moved to adjourn, seconded by Selectperson Sheedy, Vote 4-0.

Warrant Signed:

Warrant signed for the Fiscal Year 2015 Payroll and Expenses for the week of November 5, 2015 in the amounts of \$101,516.96 and \$271,781.97 respectively.

Signed Items:

John A. Ketchopulos, 2 yr. lease for commercial fishing or commercial lobstering
James E. Waddell, 2 yr. lease
Jason Polisson, 2 yr. lease
Robert Morris III, 2 yr. lease
Robert Morris, Jr. 2 yr. lease
Jeff Tutein, 2 yr. lease
Toby O'Connell, 2 yr. lease
Dylan Caldwell, 2 yr. lease
Anthony Santo, 2 yr. lease
Charles J. Osmond, 2 yr. lease
James VanDerpool, 2 yr. lease
Michael Clay, 2 yr. lease
Fred Hillier, 2 yr. lease
Easement Agreement, Leslie Whelan
Letter of appreciation to My Place by the Sea for 175th Anniversary celebration of Rockport